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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,357	06/05/2001	Francis Pinault	Q64734	5168

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EXAMINER

POLTORAK, PIOTR

ART UNIT PAPER NUMBER

2134

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,357

Applicant(s)

PINAULT ET AL.

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment, and remarks therein, received on 2/17/2005 have been entered and carefully considered.
2. The Amendment introduces a new limitation into the originally sole independent claim 1 and cancels dependent claim 3.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

4. Applicant's arguments have been carefully considered.
5. Applicant amended claims 1 and 10. The amendment introduces the limitation:
"analyzing a signature included in said multimedia data stream for the purpose of said filtering" into the claim language of claims 1 and 10.
6. Addressing a new limitation applicant refers to the previous art rejection arguing that
"although signatures are known in the art, none of the cited references describe or suggests the possibility of filtering via the signature".
7. The examiner addresses this limitation explicitly in the current Office Action, below.
8. Claims 1-2 and 4-10 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 5-6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. The sentence structures of claims 5-6 present a challenge to fully understand applicant's intention (the claims are vague) and will be treated as best understood.
11. For example claim 6 recites the limitation: "data for which non-conformance has been detected in a received data stream is retained to enable interruption of a multimedia data stream ... of the data that said data stream transmits"
12. For example, consider the underline in claim 6: "...wherein data for which non-conformance has been detected in a received multimedia data stream is retained to enable interruption of a multimedia data stream subsequently received before complete analysis of the data that said multimedia data stream transmits ...". Although the specification uses similar language (*pg. 4 lines 20-30*) the examiner did not find clear specific information related to the mechanics of data transmitting data. As a result it is not clear whether the limitation lacks enablement or whether it is misunderstood.
13. Given the complexity and ambiguity of the claim language applicant should amend or clarify claims 5-6 and provide the appropriate support for the claims limitations in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-2, 4-5, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfleeger* (Charles P. *Pfleeger*, "Security in computing", 2nd edition, 1996, ISBN: 0133374866) in view of *Gupta et al.* (U.S. Patent No. 6389532).
15. As per claim 1-2, 4, 8, 10 *Pfleeger* teaches a firewall that filter all traffic between a protected or "inside" network and a less trustworthy or "outside" network (*Pfleeger*, "What is a Firewall, pg. 428). Fig. 9-31 is an example of a firewall implemented between Local Area Network nodes and the Wide Area Networks. In particular *Pfleeger* teaches that a firewall (*in this case a screening router*) filters traffic based on the sender's and recipients addresses for example (*Pfleeger*, "Screening Router" section, pg. 429-430).

This reads at least on: "a storage unit for temporarily storing a data stream received from the computer network and addressed to a user terminal" and on "a control logic unit for filtering the multimedia data stream stored in the storage unit, the filtering authorizing or blocking transmission of the multimedia data stream to the terminal as a function of particular criteria applied to the data stream received at the private access node".

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16. *Pleeger* does not explicitly teach analyzing a signature included in the data stream for the purpose of the filtering.

17. *Gupta et al.* teach analyzing a signature included in the data stream for the purpose of the filtering (*Gupta et al.*, col. 2 lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include analyzing a signature included in the data stream for the purpose of the filtering in *Pleeger's* invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to accept the data stream only from the authorized sources.

18. Although neither *Pleeger* nor *Gupta et al.* explicitly teach that the data stream is a multimedia data stream *Pfleeger* in view of *Gupta et al.* applies to all data types as it does not preclude filtering the multimedia stream data. Furthermore, requesting and receiving a multimedia data stream is old and well-known in the art of computing (e.g. *Internet Browsing*, U.S. Patent No. 6223292, in particular col. 6). One of ordinary skill in the art at the time of applicant's invention would have been motivated to extend *Pfleeger's* invention into the multimedia data stream in order to provide a comprehensive protection of protected resources.

19. The examiner points out that *Gupta et al.*'s teaching is used as an example of what is old and well-known practice: to include a signature indicating the existence of restrictions on the use of the multimedia data that it accompanies (*the fact that it is well known is also noted by applicant in the specification, pg. 3 §3*). In addition it is old and well-known to perform signature analysis in order to identify whether any

restriction should be done on the use of the data (*Active X, data integrity check in virus or intrusion detection environment*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform signature analysis in order to identify any restriction on the use of the data that the signature accompanies. One of ordinary skill in the art would have been motivated to perform such a modification in order to take appropriate actions consistent with any discovered restrictions.

Performing signature analysis and at least temporarily blocking transmission of the multimedia data stream received from the network to a use if the multimedia data stream incorporates a signature characteristic of restricted signaling rights would be implicit in order to restrict spreading out of suspicious (e.g. malicious) data.

20. As per claim 9 *Pfleeger (in view of Gupta et al.)* in addition to exclusive access control (*based on the source/destination addresses and/or ports*) teach inclusive access control (e.g. "allow in only communications destined to the host at 100.24.4.0", *Pfleeger*, pg. 429).

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfleeger (Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866)* alternatively in view of *Gupta et al. (U.S. Patent No. 6389532)* and further in view of *McClain et al. (U.S. Patent No. 6772214)*.

22. *Pfleeger* and *Gupta et al.* teach filtering an access control that decides to allow or disallow data transmission as discussed above.

23. Neither *Pleegeer* nor *Gupta et al.* teach retaining non-transmitted data so that it can be compared with data of a subsequent data stream to accelerate decision-making in the case of identical data in different data streams, without having to carry out a further analysis.

24. *McClain et al.* teach retaining data so that it can be compared with data of a subsequent data stream (col. 6 lines 22-45).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retain non-transmitted data so that it can be compared with data of a subsequent data stream to accelerate decision-making in the case of identical data in different data streams as taught by *McClain et al.* (*McClain et al.* col. 3 lines 19-24). One of ordinary skill in the art would have been motivated to perform such a modification in order to increase efficiency and connection speed between terminals and computer network resources.

25. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfleeger* (*Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866*) alternatively in view of *Gupta et al.* (U.S. Patent No. 6389532) and further in view of *Logan et al.* (U.S. Patent No. 5721827).

26. *Pfleeger* in view of *Gupta et al.* teach an access control method as discussed above. *Pfleeger* in view of *Gupta et al.* do not teach counting for control purposes, the number of time that data of a particular content is received, if said content is found in said temporarily stored data, after it has been received from said computer network in at least one data stream addressed to a particular terminal.

Logan et al. teach counting for control purposes, the number of time that data of a particular content is received (*col. 19 line 65-col. 20 line 7*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to count the number of time that data of a particular content is received as taught by *Logan et al.*, if said content is found in said temporarily stored data, after it has been received from the computer network in at least one data stream addressed to a particular terminal. One of ordinary skill in the art would have been motivated to perform such a modification in order to determine the royalty amount payable to the content provider for the use of the particular content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

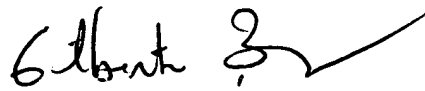
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Signature

12/28/05
Date


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